

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance.

Claims 29-56 have been withdrawn. Claims 2-6, 8-12, 14-20 and 22-28 and amended claims 1, 7, 13 and 21 are in this application.

The Examiner required a new title that is clearly indicative of the invention to which the claims are directed. A new title is submitted herein that is clearly indicative of the invention to which the claims are directed.

The drawings were objected to because the Examiner stated that Figs. 1 and 2 should be labeled as prior art. Figs. 1 and 2 have been amended herein by including the legend "Prior Art" and are attached at the end of this amendment as "Replacement Sheets." Applicants therefore respectfully request that the objection to the drawings be withdrawn.

Claims 1-28 were rejected under 35 U.S.C. 102(e) as being anticipated by Yoneya et al. (U.S. Patent No. 6,587,640 B1).

Amended independent claim 1 now recites in part as follows:

"A data recording/reproducing apparatus, comprising:  
a plurality of record mediums that are random-accessible, in which each of said plurality of record mediums is operable to store therein at least two different types of data ..." (Underlining and bold added for emphasis.)

In explaining the above 102(e) rejection with regard to claim 1, the Examiner appears to rely on RAID parts 10 and 21 of Fig. 1, column 5, lines 36-44 and column 6, lines 21-47 for disclosing "a plurality of record mediums." It is respectfully submitted that the portions of Yoneya relied upon by the Examiner do not teach or suggest the above-recited feature of

amended independent claim 1. Specifically, the portions of Yoneya relied upon by the Examiner do not teach or suggest that each record medium includes at least two different types of data, as recited in independent claim 1. Instead, Yoneya discloses an apparatus and method "in which video data and audio data are stored independently of each other in other in different recording media." This is also seen in Fig. 1 of Yoneya where the audio RAID part 10 is separate from the video RAID part 21. Accordingly, amended independent claim 1 is believed to be distinguishable from Yoneya as applied by the Examiner.

For reasons similar to those described above with regard to amended independent claim 1, claims 4, 7, 10, 13, 17, 21 and 25 are also believed to be distinguishable from Yoneya as applied by the Examiner.

Claims 2, 3, 5, 6, 8, 9, 11, 12, 14-16, 18-20, 22-24 and 26-28 are dependent from one of independent claims 4, 7, 10, 13, 17, 21 and 25 and, due to such dependency, are also believed to be distinguishable from Yoneya as applied by the Examiner for at least the reasons previously described. Therefore, claims 2, 3, 5, 6, 8, 9, 11, 12, 14-16, 18-20, 22-24 and 26-28 are believed to be distinguishable over Yoneya as applied by the Examiner.

Applicants therefore respectfully request the rejection of claims 1-28 under 35 U.S.C. §102(e) be withdrawn.

In view of the foregoing and remarks, it is believed that all of the claims in this application are patentable over the prior art, and early and favorable consideration thereof is solicited.

The Examiner has apparently made of record, but not applied, several documents. The Applicants appreciate the Examiner's implicit finding that these documents, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

In the event that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where in the reference, there is the bases for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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